

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

MARGARET GOSSETT,
Plaintiff,

vs.

ARS NATIONAL SERVICES INC.; and
DOE 1-5,
Defendants.

Civil Action No. _____

COMPLAINT

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1. Plaintiff alleges violations of the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. (“FDCPA”) and the Revised Code of Washington § 9.73.030.

JURISDICTION AND VENUE

2. This Court exercises jurisdiction under 15 U.S.C. 1692k, 28 U.S.C. §§ 1331, 1337, and 1367. This District is of proper venue as Plaintiff is a resident within this District and Defendant engaged in alleged violations against Plaintiff while Plaintiff so resided.

PARTIES

3. Plaintiff, MARGARET GOSSETT (hereinafter “Mrs. Gossett” or “Plaintiff”), is a natural person residing in Puyallup, Washington. Defendant ARS NATIONAL SERVICES INC. is a corporation believed to maintain its principle place of business at 201 West Grand Ave. in Escondido, California. Plaintiff is ignorant of the true names and capacities of the defendants sued herein as DOE 1-5, and therefore sues these defendants by such fictitious names. Plaintiff will amend this Complaint to allege the true names and capacities once ascertained. Plaintiff believes and thereon alleges that the fictitiously named defendants are responsible in some manner for the occurrences herein alleged, and that such defendants are responsible to Plaintiff for damages and/or monies owed. ARS NATIONAL SERVICES INC. and DOE 1-5 shall jointly be referred to as “Defendants” herein.

4. Defendants regularly operate as third-party debt collectors and are “debt collectors” as defined in 15 U.S.C. 1692a.

FACTUAL ALLEGATIONS

5. On or about March 29, 2013 Defendants began placing calls to Mrs. Gossett in an attempt to collect on a consumer debt allegedly owed by Mrs. Gossett’s son.

6. On March 30, 2013, Defendants called and spoke with Mrs. Gossett. The content of the phone call is as follows:

Mrs. Gosset: “Hello.”

ARS agent: “Yes, I’m trying to reach Brian D. Gossett.”

Mrs. Gosset: Ah, he is not here right now. May I take a message for him?”

ARS agent: Um, may I ask are you his spouse?

Mrs. Gosset: “No I’m not.”

ARS agent: OK, no message at this time, I’ll just try back. Thank you.

Mrs. Gosset: OK, bye bye.

7. Defendants surreptitiously recorded the call of March 30, 2013, as outlined above, without Mrs. Gossett's knowledge or consent.

8. Mrs. Gossett, concerned that Defendants recorded the phone call of March 30, 2013 in violation of California and Washington state law, retained counsel with Centennial Law Offices.

CAUSES OF ACTION

COUNT I

9. Plaintiff re-alleges paragraphs 1 through 8, inclusive, and by this reference incorporate the same as though fully set forth herein. Plaintiff is informed and believes and herein alleges that Defendants violated 15 U.S.C. 1692b(1) by failing to identify themselves or disclose that they were attempting to confirm or correct location information concerning Plaintiff's son.

COUNT II

10. Plaintiff re-alleges paragraphs 1 through 8, inclusive, and by this reference incorporate the same as though fully set forth herein. Plaintiff is informed and believes and herein alleges that Defendants violated the Revised Code of Washington § 9.73.030 by failing to obtain Plaintiff's consent prior to surreptitiously recording a telephone conversation with her.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays judgment against Defendant for recovery as follows:

- 1.) For statutory damages in the amount of \$1,000 pursuant to 15 U.S.C. 1692k(2);
- 2.) For actual damages of \$1,955.00 for legal costs in responding to unlawful collection activity.
- 3.) For action damages of \$100.00 in liquidated damages pursuant to RCW 9.73.060.
- 4.) For prejudgment interest in an amount to be proved at time of trial;
- 5.) For attorney's fees pursuant to 15 U.S.C. 1692(k) and RCW 9.73.060.
- 6.) For the costs of this lawsuit; and
- 7.) For any other and further relief that the court considers proper.

JURY DEMAND

Plaintiff demands a jury trial.

Date: March 10, 2014

s/James A. Jones

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